APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,539	12/20/2001	James D. Shaffer	TARINFO.015CP1	4718

27189   7590   12/17/2004

PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
530 B STREET
SUITE 2100
SAN DIEGO, CA 92101

EXAMINER
HARPER, V PAUL

ART UNIT	PAPER NUMBER
2654	

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/029,539	SHAFFER ET AL.
	Examiner	**Art Unit**	
	V. Paul Harper	2654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>06 October 2004</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-6 and 8-22* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☒ Claim(s) *21 and 22* is/are allowed.

6) ☒ Claim(s) *1,6 and 11-20* is/are rejected.

7) ☐ Claim(s) *2-5,8-10* is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1.   Claims 1 and 20 are rejected under 35 U.S.C. 102() as being anticipated by

Smith et al. (U.S. Patent 5,054,082), hereinafter referred to as Smith.

Regarding **Claim 1**, Smith discloses a method for programming devices to

recognize voice commands. Smith's method includes the following steps:

• capturing an identifier related to a speaker provided over a communication

network (col. 3, lines 15-18; col. 2, line 66 through col. 3, line 3, distributed over several

locations--inherently a communications network; note: speaker's location can be fixed

"control stations" col. 2, line 46);

• determining a linkage key using the identifier (col. 3, lines 10-30, lines 30-40; the

download request or message from the user is inherently converted to a linkage key

(database code) to access a particular codebook within the repository of codebooks

(col. 2, lines 55-60));

- selecting a subset of records from a plurality of records based on the linkage key (col. 3, lines 11-13; identifying a particular codebook from the codebook library);

- capturing a vocal expression of the speaker (col. 3, lines 50-53; voice commands);

- obtaining a grammar of potential matching words based upon the subset of records (col. 2, lines 53-67; col. 3, line 15-40; the codebook will inherently contain a "grammar of potential matching words" i.e., words that can be recognized); and

- determining information related to the vocal expression based on comparing the grammar with the captured vocal expression (col. 3, lines 50-53, performing speech recognition).

Regarding **claim 20**, Smith teaches everything claimed as applied above (see claim 1); in addition, Smith teaches "selecting a subset of records comprises indexing, based on the linkage key, to a record" (col. 3, lines 30-40 "download request"; the identifier is inherently mapped to a database code (linkage key) to access a particular codebook).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 6, and 12-19 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Smith in view of Kanevsky et al. (U.S. Patent 5,897,616), hereinafter referred to as

Kanevsky.

Regarding **claim 6**, Smith teaches everything claimed, as applied above (see

claim 1). In addition, Smith teaches that a subscriber unit 14 receives a codebook from

a central repository 12 (Fig. 1) where a speaker independent portion may reside at the

subscriber unit (col. 3, lns. 5-40), but Smith does not specifically teach "the capturing

step is performed by a first server and the determining step is performed by a second

server different from the first server." However, the examiner contends that this concept

was well known in the art, as taught by Kanevsky.

Kanevsky discloses a method for speaker and speech recognition over a network

where a user's utterance is sent to a central server which transfers it to an automatic

speech recognizer (Figs. 2 and 3, col. 6, lns. 4-24).

Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to modify Smith by distributing the capture and

recognition operations, as taught by Kanevsky, because this architecture is more

adaptable (col. 5, lns. 1-9).

Regarding **claims 12 and 13**, Smith teaches everything claimed, as applied

above (see claim 1), but Smith does not specifically teach, "the identifier comprises

address information" or "the address information includes one or more of a street

address, mailing address, zip code, electronic mail address, Intenet address, and Web address." However, the examiner contends that this concept was well known in the art, as taught by Kanevsky.

Kanevsky discloses a method for speaker and speech recognition over a network where indicia (including address information) are used to access speaker specific information (col. 3, lns. 20-25, lns. 50-60; col. 3, ln. 53 "name, address" meaning street or mailing address).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Smith by specifically using address information, as taught by Kanevsky, because this allows for more logical access to information related to geographical information (e.g., the control room might have different command word requirements).

Regarding **claims 14 and 15**, Smith teaches everything claimed, as applied above (see claim 1), but Smith does not specifically teach, "the identifier comprises location information" or "the location information is one of V&H coordinated pair, latitude/longitude information, street address, and spatial key". However, the examiner contends that these concept were well known in the art, as taught by Kanevsky.

Kanevsky discloses a method for speaker and speech recognition over a network where indicia (including address information) are used to access speaker specific information (col. 3, lns. 20-25, lns. 50-60).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Smith by specifically using address information, as taught by Kanevsky, because this allows for more logical access or restriction to user specific information related to a given location (improving security).

Regarding **claims 16 and 17**, Smith teaches everything claimed, as applied above (see claim 1), but Smith does not specifically teach, "the vocal expression is a name" or "the name includes one or more of a first name, last name, street name, city name, state name, country name". However, the examiner contends that this concept was well known in the art, as taught by Kanevsky.

Kanevsky discloses a method for speaker and speech recognition over a network where indicia (including names) are used to access speaker specific information (col. 3, lns. 20-25, lns. 50-60).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Smith by specifically using the speaker's name to identify desired information, as taught by Kanevsky, because this increases the reliability of the speaker (voice) recognition (e.g. col. 4, lns. 26-31, without the need for additional information).

Regarding **claims18 and 19**, Smith teaches everything claimed, as applied above (see claim 1), but Smith does not specifically teach, "the vocal expression is a number" or "the number is one of a telephone number, zip code, social security number,

or database index." However, the examiner contends that this concept was well known in the art, as taught by Kanevsky.

Kanevsky further teaches that indicia (such as a customer number or social security number) can be used to access speaker specific information (col. 3, lns. 20-25, lns. 50-60).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Smith by specifically using a number to identify desired information (such as a codebook), as taught by Kanevsky, because this increases the reliability of the speaker (voice) recognition (e.g. col. 4, lns. 26-31, without the need for additional information).

3.   Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith and well known prior art (MPEP 2144.03).

Regarding **claim 11**, Smith teaches everything claimed, as applied above (see claim 1). In addition, Smith teaches that portable subscriber units can be used by an individual (col. 2, lines 45-50) and that identifiers are transmitted (col. 3, lines 10-14), but Smith does not specifically teach "the identifier comprises a telephone number." However, the examiner takes official notice of the fact that the sending of a telephone number (caller ID) from a wireless telelephone over a communication channel for the purpose of identifying a speaker was well known in the art.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Smith such that a telephone number is sent as an identifier, because wireless telephones can be used exclusively by a given individual and the phone number can thus readily and uniquely identify a user.

Allowable Subject Matter

4.   Claims 2-5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. It is noted that in the closest prior art of record, Smith teaches the use of an identifier related to a speaker, but Smith does not teach automatically capturing information provided without input from the speaker.

5.   Claims 8-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. It is noted that in the closest prior art of record, Smith teaches the use of a linkage key, but Smith does not teach the use of a second linkage key based on the meaning of a vocal expression.

6.   Claims 21 and 22 are allowable because in the closest prior art of record, Smith teaches the selection of a subset of records, but Smith does not teach the determining from the selected record that a second subset of records is required to identify a specific item from the multiple items represented by the selected record."

Response to Arguments

7.   Applicants assert on page 7:

      (a) <u>Smith does not teach "selecting a subset of records ... based
upon the linkage key"</u>

Smith teaches entering a codebook request message which inherently will be mapped

to a linkage key for access to the specific user codebook (col. 3, lines I0-14, see claim 1

rejection) (i.e., the message will be mapped to a database access key (linkage key) to

retrieve the particular codebook from the codebook library).

8.   Applicants assert on page 8:

      <u>(b) Smith does not teach "obtaining a grammar ... based upon the subset
of words"</u>

The complete limitation is "obtaining a grammar <u>of potential matching words</u> based

upon the subset of records." Given the phrasing of this limitation, the examiner

interprets a "grammar" to be [a collection] potential matching words where the codebook

contains the corresponding word templates require for recognition, thus it can be said

that Smith teaches "obtaining a grammar of potential matching words base upon the

subset of records" (i.e., the potential words to be recognized are based on the

codebook).

9.   Applicant asserts on page 9:

> Modifying Smith to respond to location information ... (claim 14) destroys
> the function of Smith .... Capturing location information for a mobile device
> such as the police radio described in Smith would not logically lead to the
> identification of the current user or that user's identification code....

The examiner maintains that location information would not destroy the function of

Smith, but rather solve a security problem related to the Smith invention. Smith teaches

the installation of control stations at <u>fixed locations</u> (col. 2, lines 49-51), where location

information might aid in the identification and/or restriction of potential users (e.g., only

an individual with the appropriate security clearance could access the control functions

from that location).

        The Applicant's remaining arguments have been considered but are moot in view

of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Dr. V. Paul Harper whose telephone number is 703 305-

4197. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on 703 305-9645. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

December 3, 2004

V. Paul Harper
Examiner
Art Unit 2654

RICHEMOND DORVIL
SUPERVISORY PATENT EXAMINER